

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

John J. Sweeney, Jr.

v.

Civil No. 12-cv-276-SM

New Hampshire State Prison et al.¹

O R D E R

In this action, John J. Sweeney, Jr., an inmate at the New Hampshire State Prison, has filed a complaint (doc. no. 1) and complaint addenda (doc. nos. 7, 9, and 11),² alleging violations of his federal constitutional and statutory rights at the NHSP. In the addenda filed November 20, 2012 (doc. no. 9), and December 11, 2012 (doc. no. 11), plaintiff requests preliminary injunctive relief. Those requests have been referred to this court for a report and recommendation.³ See Order (doc. no. 14).

¹Defendants in this action are the New Hampshire State Prison ("NHSP"), NHSP Cpl. Samson, and NHSP Corrections Officers Sullivan and Logan.


²Sweeney's pleadings (doc. nos. 1, 7, 9, and 11) are taken together as the complaint in this matter for all purposes.

³Sweeney previously sought a preliminary injunction concerning an alleged medical emergency. Sweeney has since withdrawn that request, and the court will not consider the medical care issues in the preliminary injunction proceedings concerning retaliatory violence.

The court has determined that Sweeney's complaint states actionable claims alleging, among other things, that NHSP Corrections Officer Sullivan has used excessive force and retaliatory violence against Sweeney, and the court has directed service of those claims. See Order (doc. no. 13). Sweeney seeks a preliminary injunction protecting him from Sullivan, who, he alleges, poses a continuing threat of retaliatory violence to Sweeney.

The court at this time invites defendant Sullivan to file a response to the request for preliminary injunctive relief concerning the claims of excessive force and retaliatory violence, and, in any event, orders Sullivan to file a response to the request for preliminary injunctive relief within 7 days of the date the office of the New Hampshire Attorney General accepts service on his behalf, or, if that office declines to accept service, the date Sullivan is served. Upon receipt of Sullivan's response, the court will determine whether to schedule a hearing on the motion for a preliminary injunction.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

December 20, 2012

cc: John J. Sweeney, Jr., pro se

LBM/jba